

Amendment 91-213 (Amended)**Night-Visual Flight Rules Visibility and Distance From Clouds Minimums****Adopted: July 13, 1990****Effective: July 19, 1990
and August 18, 1990****(Published in 55 FR 29552, July 19, 1990)**

SUMMARY: On September 29, 1989, the FAA issued a final rule establishing standard visibility and cloud clearance minimums for night-visual flight rules (VFR) operations. This final rule amends § 91.105 [§ 91.155] to add paragraphs which were inadvertently omitted in that final rule. This rulemaking action is necessary to facilitate implementation of the final rule issued on September 29, 1989. This final rule will clarify regulatory requirements.

Effective Dates: Section 91.105 is effective July 19, 1990.

Section 91.155 is effective August 18, 1990.

FOR FURTHER INFORMATION CONTACT: Mr William Davis, Air Traffic Rules Branch, ATP-230, Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:*Availability of Final Rule*

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200, 800 Independence Avenue SW, Washington, DC 20591 or by calling (202) 267-3484. Requests must include the amendment number identified in this final rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

When Amendment No. 91-213 (Docket No. 24722) was published in the Federal Register on September 29, 1989, certain text, consisting of three paragraphs of the existing rule, was inadvertently omitted. In order to restore the text to its intended form, it is necessary to correct this error.

This final rule amends § 91.105 [§ 91.155 effective August 18, 1990] by adding paragraphs (c), (d), and (e) which were inadvertently omitted from the text published on September 29, 1989. This amendment does not alter the substantive provisions of § 91.105, but simply continues in effect the basic provisions of that section in effect prior to September 29, 1989.

Need for Immediate Adoption

Since this amendment only corrects a publication error and does not substantively amend agency regulations, this action is a minor technical amendment in which the public would not be particularly interested. Accordingly, I find that notice and public comment procedures are unnecessary. I further find that good cause exists for making the amendment effective in less than 30 days to eliminate ambiguity in published agency regulations as soon as possible.

For the reasons set forth above, Part 91 of the Federal Aviation Regulations (14 CFR 91) is amended effective August 18, 1990.

The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 (as amended by P.L. 100-223), 1422 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

